EDMUND G. BROWN JR.
Attorney General of California
ALFREDO TERRAZAS
Special Assistant Attorney General
GLORIA A. BARRIOS
Supervising Deputy Attorney General
State Bar No. 94811
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2540
Facsimile: (213) 897-2804
Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CAROL ANN HEAD** **P.O. Box 1710** **Ashfork, Arizona 86320** **Registered Nurse License No. 436782** Respondent.	Case No. 2010-667 **ACCUSATION**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.E.D., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about May 31, 1989, the Board issued Registered Nurse License Number 436782 to Carol Ann Head ("Respondent"). The registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on September 20, 2010, unless renewed.

///

///

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> . . . . .
>
> (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action....

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Disciplinary Action by the Arizona State Board of Nursing)

7. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Arizona State Board of Nursing ("Arizona Board"), as follows:

8. On or about June 3, 2009, pursuant to Findings of Fact, Conclusions of Law and Order No. 08A-0702024-NUR, in the disciplinary action entitled *In the Matter of Professional Nurse License No. RN138718 Issued to: Carol Ann Head, aka Holvey*, the Arizona Board revoked Respondent's nursing license.

9. The Arizona Board found that Respondent had been terminated or resigned from Arizona hospitals for her inability to practice nursing duties safely as follows;

a. On or about May 25, 2006, Respondent was terminated from Flagstaff Medical Center located in Flagstaff, Arizona, for difficulty with the hospital's information system, location of equipment, and day-today tasks.

b. On or about December 16, 2006, Respondent resigned and was ineligible for rehire from the Surgical Services Department at Yavapai Regional Medical Center ("YRMC") located in Prescott, Arizona. Her 90-day evaluation from YRMC indicated she needed improvement in all areas except ethics and collaboration.

c. On or about October 29, 2007, Respondent was terminated from North County Community Health Center ("NCCHC") located in Ashfork, Arizona. On or about February 8, 2007, while employed at NCCHC, a complaint was received by the Arizona Board that Respondent failed to demonstrate competence in administering vaccines to children. Additionally, Respondent discarded a telephone message from a patient which she should have placed in the patient's chart. On or about October 25, 2007, while employed at NCCHC, a patient complained that Respondent took 20 minutes to draw blood, seemed nervous, and talked to herself while drawing blood. The patient complained that Respondent stuck both her and her husband 3 times while drawing blood, left blood running down their arms, caused bruising, did not wear gloves while drawing blood, and asked the patient if she had Hepatitis C.

d. On or about November 12, 2007, Respondent became employed at Prescott Samaritan Village ("PSV") in Prescott, Arizona. On or about January 8, 2008, while employed at PSV, Respondent was placed on a performance plan for leaving medications at residents' bedsides, having medications out of place on the medication cart, and residents feeling

hesitant to take medications from her. On or about February 11, 2008, while employed at PSV, Respondent was placed on a second performance plan for continuing issues with the administration of medication. On or about February 19, 2008, while employed at PSV, Respondent made a medication error when she administered the wrong dose of Xanax to a resident. On or about February 23, 2008, while employed at PSV, Respondent was placed on a third performance plan for continuing issues with the administration of medication.

10. On or about March 19, 2008, the Arizona Board reviewed the Investigative Report and voted to offer Respondent a Consent Agreement for an indefinite suspension pending successful completion of a Board-approved refresher course, to be followed by 24-month probation with terms. On or about April 11, 2008, in a telephone conversation with an Arizona Board staff, Respondent requested to voluntarily surrender her nursing license.

11. On or about May 9, 2008, the Arizona Board sent Respondent a 5-year Consent for Voluntary Surrender to consider. Respondent failed to sign the agreement. On or about June 5, 2008, Respondent sent in two separate letters to the Arizona Board agreeing to voluntarily give up her Arizona nursing license but stated that she was not willing to sign the Consent for Voluntary Surrender. With each letter, Respondent included a copy of her Arizona nursing license.

12. On or about June 6, 2008, the Arizona Board sent Respondent a letter advising her that her license could not be voluntarily surrendered simply by returning it to the Arizona Board. Respondent was advised that a signed Consent for Voluntary Surrender was required. Respondent failed to sign.

13. On or about July 22, 2008, the Arizona Board sent Respondent a letter advising her that her case was being transferred to the Hearing Department. The letter also advised Respondent of all options available to her. Respondent never contacted the hearing staff.

14. On or about January 7, 2009, the Arizona Board sent Respondent a 3-year Consent for Voluntary Surrender to consider. Respondent was asked to return the agreement by January 31, 2009 in order to close her case. Respondent failed to sign the agreement.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

15. Respondent is subject to discipline under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, Respondent committed acts constituting unprofessional conduct, as more particularly set forth in paragraphs 7 through 14, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 436782, issued to Carol Ann Head;

2. Ordering Carol Ann Head to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: June 30, 2010

for LOUISE R. BAILEY, M.E.D., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

LA2009602648 30816760.doc